

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,)	Case No. 1:17-cv-02635
)	
Plaintiff,)	Judge Christopher A. Boyko
)	
vs.)	
)	
2K GAMES, INC. and TAKE-TWO)	
INTERACTIVE SOFTWARE, INC.,)	
)	
Defendants.)	

DECLARATION OF ANDREW ALEXANDER

1. I, Andrew Alexander, submit this Declaration on behalf of James Hayden (“Mr. Hayden” or “Plaintiff”) in support of Brief In Support of Plaintiff’s Opposition to Defendants’ Motion for Summary Judgment.

2. I am an Attorney at the law firm Calfee, Halter & Griswold LLP.

3. Attached as **Ex. A-1** to this Declaration is a true and correct copy of a compilation of footage from NBA 2K16.

4. Attached as **Ex. A-2** to this Declaration is a true and correct copy of a compilation of footage from NBA 2K17.

5. Attached as **Ex. A-3** to this Declaration is a true and correct copy of a compilation of footage from NBA 2K18.

6. Attached as **Ex. A-4** to this Declaration is a true and correct copy of a compilation of footage from NBA 2K19.

7. Attached as **Ex. A-5** to this Declaration is a true and correct copy of a compilation of footage from NBA 2K20.

8. Attached as **Ex. A-6** to this Declaration is a true and correct copy of Exhibit 4 to the Deposition of Joel Freisch.

9. Attached as **Ex. A-7** to this Declaration is a true and correct copy of excerpts from the deposition of Jason Argent, taken on January 8, 2020.

10. Attached as **Ex. A-8** to this Declaration is a true and correct copy of excerpts from the deposition of Jeffrey Thomas, taken on January 24, 2020.

11. Attached as **Ex. A-9** to this Declaration is a true and correct copy of excerpts from the deposition of Joel Friesch, taken on January 22, 2020.

12. Attached as **Ex. A-10** to this Declaration is a true and correct copy of excerpts from the deposition of Michael Stauffer, taken on January 30, 2020, and Exhibit 4 thereto.

13. Attached as **Ex. A-11** to this Declaration is a true and correct copy of excerpts from the deposition of Alfredo Brody, taken on January 23, 2020, and Exhibit 4 thereto.

14. Attached as **Ex. A-12** to this Declaration is a true and correct copy of excerpts from the deposition of Anton Dawson, taken on January 22, 2020.

15. Attached as **Ex. A-13** to this Declaration is a true and correct copy of excerpts from the deposition of Corie Zhang, taken on January 10, 2020.

16. Attached as **Ex. A-14** to this Declaration is a true and correct copy of excerpts from the deposition of Nina Jablonski, taken on August 18, 2021 and Exhibits 9–14 thereto.

17. Attached as **Ex. A-15** to this Declaration is a true and correct copy of excerpts from the deposition of James Malackowski, taken on August 26, 2021.

18. Attached as **Ex. A-16** to this Declaration is a true and correct copy of excerpts from the deposition of Ian Bogost, taken on August 30, 2021.

19. Attached as **Ex. A-17** to this Declaration is a true and correct copy of excerpts from the deposition of James Hayden, taken on October 30, 2019.

20. Attached as **Ex. A-18** to this Declaration is a true and correct copy of excerpts from the deposition of Bernardino Tovanche, taken on January 29, 2020.

21. Attached as **Ex. A-19** to this Declaration is a true and correct copy of excerpts from the deposition of Jonathon Hayden, taken on January 29, 2020.

22. Attached as **Ex. A-20** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00001668.

23. Attached as **Ex. A-21** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00002613.

24. Attached as **Ex. A-22** to this Declaration is a true and correct copy of a collection of documents produced by Take-Two and third-party PixelGun in this case as PIXELGUN_0007433, PIXELGUN_0007441, TAKE-TWO_00002615-16, TAKE-TWO_00004284, TAKE-TWO_00004702, TAKE-TWO_00005068.

25. Attached as **Ex. A-23** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00000584.

26. Attached as **Ex. A-24** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00004247.

27. Attached as **Ex. A-25** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00005957.

28. Attached as **Ex. A-26** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00002507.

29. Attached as **Ex. A-27** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00002504.

30. Attached as **Ex. A-28** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00003680.

31. Attached as **Ex. A-29** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00002627.

32. Attached as **Ex. A-30** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00004616.

33. Attached as **Ex. A-31** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00000854.

34. Attached as **Ex. A-32** to this Declaration is a true and correct copy of documents Take-Two produced in this case as TAKE-TWO_00001260, TAKE-TWO_00002888, TAKE-TWO_00002891, TAKE-TWO_00002893, TAKE-TWO_00003606, TAKE-TWO_00003625.

35. Attached as **Ex. A-33** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00004853.

36. Attached as **Ex. A-34** to this Declaration is a true and correct copy of documents Take-Two produced in this case as TAKE-TWO_00000605, TAKE-TWO_00000608-09, TAKE-TWO_00002550.

37. Attached as **Ex. A-35** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00005346.

38. Attached as **Ex. A-36** to this Declaration is a true and correct copy of Hayden's Response to Defendants' Interrogatory No. 1.

39. Attached as **Ex. A-37** to this Declaration is a true and correct copy of Defendant Take-Two's Requests for Admissions Responses Nos. 46-93, 102, and 104.

40. Attached as **Ex. A-38** to this Declaration is a true and correct copy of Take-Two's Second Amended Response to Interrogatory No. 14.

41. Attached as **Ex. A-39** to this Declaration is a true and correct copy of documents Take-Two produced in this case as TAKE-TWO_00002153, TAKE-TWO_00002166, TAKE-TWO_00002297, TAKE-TWO_00002312.

42. Attached as **Ex. A-40** to this Declaration is a true and correct copy of the Expert Report of Michal A. Malkiewicz.

43. Attached as **Ex. A-41** to this Declaration is a true and correct copy of documents Take-Two produced in this case as TAKE-TWO_00006143-6153.

44. Attached as **Ex. A-42** to this Declaration is a true and correct copy of Rebuttal Expert Report of Dr. Justin Lenzo.

45. Attached as **Ex. A-43** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00004918.

46. Attached as **Ex. A-44** to this Declaration is a true and correct copy of a Take-Two document produced in this case as TAKE-TWO_00005355.

47. Attached as **Ex. A-45** to this Declaration is a true and correct copy of Rebuttal Expert Report of Dr. H. Tolga Bilgicer.

48. Attached as **Ex. A-46** to this Declaration is a true and correct copy of Rebuttal Expert Report of Michal A. Malkiewicz.

49. Attached as **Ex. A-47** to this Declaration is a true and correct copy of a screen capture from NBA 2K20.

I, Andrew Alexander, declare under penalty of perjury that the foregoing Declaration is true and correct.

Dated: November 22, 2021

/s/ Andrew Alexander

Andrew Alexander